

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SWEET GISELE, INC.,

Plaintiff,

-against-

TRUE ROCK CEO, LLC, and  
JOHN DOES 1–10,

**MEMORANDUM AND ORDER**  
Case No. 17-CV-5170-FB-RML

Defendants.

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**BLOCK, Senior District Judge:**

On September 4, 2018, Magistrate Judge Levy issued a Report and Recommendation (“R&R”) recommending that plaintiff’s Motion for Default Judgment be denied. The R&R advised that “[a]ny objection to this Report and Recommendation must be filed . . . within fourteen (14) days,” and that “[f]ailure to file objections within the specified time waives the right to appeal the district court’s order.” R&R at 28–29. The R&R was electronically served the same day. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences,

failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision.”). The Court, however, will excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No such error appears on the face of the R&R. Therefore, the Court adopts it without de novo review and denies plaintiff's Motion for Default Judgment.

**SO ORDERED.**

/S/ Frederic Block

FREDERIC BLOCK

Senior United States District Judge

Brooklyn, New York

September 28, 2018